

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DEMARCUS TUCKER,	:	CIVIL ACTION
Plaintiff	:	
	:	
vs.	:	NO. 16-3104
	:	
CITY OF PHILADELPHIA, et al.,	:	
Defendants	:	

ORDER

AND NOW, this 2nd day of November, 2017, upon consideration of the defendants' motion to dismiss (Document #7), and the plaintiff's response in opposition thereto (Document #8), IT IS HEREBY ORDERED that:

1. The motion is GRANTED in part, and DENIED in part;
2. Counts II and III of the amended complaint are DISMISSED;
3. Count V shall remain in this action.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, C. J.